

### **REMARKS**

Claims 1-8 and 10-16 are pending in the instant applications. Claims 1-8, 10 and 16 have been rejected. Claims 11-15 have been allowed. Claims 7 and 10 have been cancelled. Claims 1-6, 8 and 10 have been amended to place them in condition for allowance or appeal. These amendments do not introduce any new subject matter, and support for them can be found in the specification. After entry of this amendment, Claims 1-6, 8 and 11-16 will be pending.

Applicants would like to thank Examiner Loewe for speaking with their representative Nicole Beeler on October 18, 2007. Applicants appreciate the Examiner's guidance and clarification.

#### **Objection to Claims 1-8, 10 and 16**

The Examiner has objected to claims 1-16 for containing non-elected subject matter. Applicants have amended the instant claims to remove the non-elected subject matter. Applicants have cancelled Claims 7 and 10. In light of these amendments and cancellations, this objection should be rendered moot. According, Applicants respectfully request the objection of Claims 1-6, 8 and 16 be withdrawn.

#### **Rejection of Claims 1-10 and 16 under 35 USC §112, first paragraph**

The Examiner has rejected Claims 1-10 and 16 under 35 U.S.C §112, first paragraph for allegedly failing to comply with the written description requirement. Specifically the Examiner has withdrawn the rejection with respect to variables  $R^3$ ,  $R^4$ ,  $R^8$  and  $R^9$ , but maintained the rejection with respect to variables  $R^{10}$ ,  $R^c$  and  $R^c'$ . The Examiner has modified the scope of disclosure.

The Examiner has also rejected claims 1-10 and 16 under 35 U.S.C. §112, first paragraph, for allegedly containing subject matter which was not described in the specification in a manner to enable one skilled in the art to make and/or use the invention.

Applicants have amended the scope of  $R^{10}$ ,  $R^c$  and  $R^c'$  in accordance with the Examiner's suggestion. In addition, Applicants have cancelled Claims 7 and 10. In light of these amendments and cancellations, this rejection should be rendered moot. According, Applicants respectfully request the rejection of Claims 1-6, 8 and 16 under 35 U.S.C. §112, first paragraph, be withdrawn.


Rejection of Claims 1-11, 13 and 16 under Obviousness-type Double Patenting

The Examiner provisionally rejected Claims 1-11, 13 and 16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 2, 7 and 12-14 of co-pending Application No. 10/915,743. Additionally, the Examiner provisionally rejected Claims 1-10 and 16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 2, 6 and 7 of co-pending Application No. 10/559,857, Claims 1, 2, 7, 14 and 12 of co-pending Application No. 10/567,676, Claims 1, 5, 10 and 11 of co-pending Application No. 10/916,096, and Claims 1, 2 and 6 of co-pending Application No. 10/568, 000.

As these rejections are provisional rejections based on pending applications which are still undergoing prosecution and wherein no allowable subject matter has yet been identified, Applicants respectfully request that this rejection be held in abeyance.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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